

**CONLEY  
TRIAL  
IS  
DELAYED BY  
FRANK  
APPEAL**

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**Smith Demands Speedy  
Hearing,**

# **But None Is Likely Until the Phagan Decision.**

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Rumor was current Saturday, after the filing with the Supreme Court of the bill of exceptions and brief of evidence to be used in arguing for a new trial for Leo M. Frank that Jim Conley, despite the determined efforts of his attorney to obtain an immediate hearing, would not be placed on trial as an accessory in the murder of many Phagan until after the Supreme Court disposes of Frank's petition for a new trial.

W. M. Smith, Conley's counsel, repealed his declaration of the negro's innocence of the murder, and virtually defied the State even to convict his client of being an accessory after the fact.

He insisted that Conley must have a speedy trial and threatened to make formal demand of the court unless there appeared a disposition this week finally to settle the negro's case.

## **Argument December 15.**

Once tried as an accessory after the fact, Conley forever after would be immune from trial as the principal in the crime. It is to obtain this immunity, if not an absolute acquittal, that Attorney Smith is fighting desperately.

The bill of exceptions and brief of evidence were completed Saturday and filed at noon with the clerk of the Supreme Court for record. The case was placed upon the calendar for argument on or soon after December 15.

While the higher court has twelve months in which to review the legal points in the case, a decision probably will be handed down within two or three months.

If the verdict of the jury is affirmed and no errors found in the rulings of Judge Roan, the case is ended so far as the courts of the State of Georgia are concerned.

### **Will Fight to Last.**

Attorneys for Frank have indicated that they will carry the fight to the Supreme Court of the United States on a constitutional point in the event that the State court decides against them.

They will maintain that their client was not accorded his constitutional right of a fair and impartial trial by his peers.

This appeal and the bare possibility of pardon by the Governor will be all that stand between Frank and the gallows in the event the Supreme Court refuses to intervene.

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